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Chairman: Mr. Kuchinsky ..... (Ukraine)
later: Ms. Astanah Banu (Vice-Chairman). ..... (Malaysia)

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The meeting was called to order at 9.40 a.m.

Agenda item 105: Human rights questions (*continued*) (A/59/225, 371 and 425)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/59/255, 319-320, 323, 327-328, 341, 360, 366, 377, 385, 401-403, 422, 428, 432, 436 and 525)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/59/256, 269, 311, 316, 340, 352, 367, 370, 378, 389 and 413; A/C.3/59/3)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/59/36)

1. **Mr. Elbadri** (Egypt) said that his Government was convinced of the importance of human rights for economic, political and social development and that he would discuss the measures it had taken to promote human rights during the past year. The Egyptian People's Assembly had adopted Act No. 94 of 2003 establishing the National Human Rights Council, which had begun operations in January 2004 under the aegis of the consultative Shura Council. Presided over by the former United Nations Secretary-General, Mr. Boutros Boutros-Ghali, and comprising many independent national figures, the Council's objective was to promote, protect and guarantee human rights and to make the public aware of them.

2. As the first independent body devoted to human rights in Egypt, the Council enjoyed total independence in its work, activities and prerogatives. It had drawn up a national action plan for human rights and proposed measures to ensure implementation of the plan; it made proposals and recommendations and issued opinions on all questions having to do with human rights brought before it by the competent authorities or by interested parties; it received and reviewed complaints, forwarding some of them to the parties concerned and monitoring the action taken on them, and advised the interested parties about the legal procedures to be taken. It also was responsible for monitoring the implementation of international human rights treaties and making the necessary recommendations, inter alia by advocating international cooperation. The Council issued an annual report on the situation of human rights in Egypt and reported on its work to the President of the Republic and the Presidents of the People's Assembly and the Shura Council. It also made field visits to ensure that its recommendations had been carried out, the latest such visit having been made the previous week to several Egyptian prisons.

3. The responsibility of the international community for the promotion and protection of human rights was no less important than that of States and nations, and an equitable world order had to be instituted to combat the factors preventing individuals from exercising their rights.

4. Lastly, peoples must have the right to live according to principles which they themselves had approved, and their right to a cultural, religious and intellectual identity must be respected. Cultural specificity was an inalienable right that should not simply be respected but held sacred. Peoples, States and nations had the right to determine their own identity and their guiding principles, respecting the collective interests of peoples and communities, and no one should impose ways of thinking or traditions.

5. **Mr. Gansukh** (Mongolia) said that the international community must maintain the momentum of the progress achieved since the adoption of the Universal Declaration of Human Rights, reflecting on what action needed to be taken to protect human rights, strengthen the rule of law and promote democracy nationally and internationally. His delegation was convinced that the current session would be a significant step forward.

6. Although the United Nations had always been at the centre of international efforts to promote and protect human rights, it was primarily the responsibility of each State to achieve those objectives, as a number of speakers had stated. Referring to the introductory statement of the United Nations High Commissioner for Human Rights, his delegation drew attention to the Ulaanbaatar Declaration and Plan of Action adopted by the Fifth International Conference of New or Restored Democracies, held in Mongolia in 2003. One of the important provisions of the Declaration called for setting up and strengthening national institutions and mechanisms to ensure that basic democratic principles and human rights were fully respected and guaranteed. Convinced that the

support and assistance of the international community was essential to ensure the protection and sustained advancement of human rights, his delegation welcomed the launching of the "Action 2" initiative.

7. In Mongolia, the National Human Rights Commission established in 2001 had become an important instrument for promoting human rights. A number of national action plans, including the National Human Rights Plan of Action adopted in May 2001 and the National Programme on Gender Equality adopted in 2002, were also evidence of the Government's commitment to human rights.

8. Deeply distressed and concerned by the fact that human rights were being grossly violated throughout the world because of poverty, violence, prejudice, armed conflict, terrorism and bad governance, his delegation emphasized the urgency of concerted action to alleviate poverty and ensure the right to food. It would be recalled from the report of the Special Rapporteur of the Commission on Human Rights on the right to food (A/59/385) that 842 million people suffered from undernourishment and that one child died every five seconds from hunger-related diseases, but the most shocking fact was that hunger was increasing.

9. As indicated on previous occasions, Mongolia stood committed to the promotion and protection of human rights, the right to food in particular, and to the realization of its social development goals. Despite the considerable progress achieved in recent years, further efforts were needed to meet the challenges that the country was facing. For instance, the national report on the status of the implementation of the Millennium Development Goals showed that poverty remained widespread in the country: official figures suggested that around one third of the total population lived in poverty, with many others close to the poverty line. The new Coalition Government formed following the parliamentary elections held in June 2004 had attached top priority to its fight against poverty, hunger and malnutrition.

10. It would be recalled that the Special Rapporteur on the right to food had carried out a mission to Mongolia in August 2004. Despite the concrete steps taken in recent years, hunger and malnutrition remained very pressing in Mongolia but, as pointed out in the national report, hunger was not due to an inadequate food supply but rather to the inadequate purchasing power of poor people. Measures had to be taken to increase poor people's access to food, by direct or indirect means. The national report had further indicated that the enforcement of regulatory standards governing the quality of domestic and imported foods was essential to improving food safety. His delegation expressed gratitude to the Special Rapporteur for his mission to Mongolia and was confident that he would make valuable recommendations in his final report on the mission.

11. Lastly, his Government was committed to enforcing the human rights and improving the living standards of the Mongolian people by strengthening democracy, economic growth and social development. It paid tribute to the Office of the United Nations High Commissioner for Human Rights for its assistance and reaffirmed that it was resolved to continue to cooperate with it in strengthening its national human rights institutions and developing regional and international cooperation in the field of human rights, while fostering democracy and the rule of law worldwide.

12. **Mr. Nepal** (Nepal) said that his country was a party to 16 international human rights instruments and a signatory to three others and, as recent developments attested, was firmly committed to human rights. In March 2004, the Government had reaffirmed its commitment to uphold human rights even in the face of the Maoist insurgency, and it had already approved a three-year action plan to put that commitment into action by strengthening the civil, political, economic, social and cultural rights of its people, reforming the prison system and the administration of justice, strengthening institutions and emphasizing awareness and training programmes. The Office of the Prime Minister and the Council of Ministers would monitor and evaluate the implementation of the action plan. A human rights promotion centre had also been constituted within the Office of the Prime Minister and the Council of Ministers to coordinate the human rights activities of various government agencies, and human rights cells had been created in security agencies to sensitize their personnel on the need to respect people's human rights in the discharge of their duties.

13. The national Human Rights Commission established in 2000 as an independent statutory body had been effective in promoting and protecting the human rights of the people. It monitored the human rights situation, investigated violations, recommended appropriate redress and conducted awareness-raising

programmes for the law enforcement and security agencies. A vibrant civil society, a large number of non-governmental organizations and a free press had also helped create public awareness of the importance of human rights protection.

14. As a member of the Commission on Human Rights and pursuant to the Chairperson's statement adopted unanimously at the Commission's sixtieth session, his Government was negotiating with the Office of the United Nations High Commissioner for Human Rights a memorandum of understanding on the provision of technical assistance to strengthen the capacity of its national Human Rights Commission. His Government had, in principle, welcomed visits from thematic mechanisms and special mandate holders of the Commission on Human Rights with whom it intended to cooperate fully. The Special Rapporteur on extrajudicial, summary or arbitrary executions had visited Nepal in 2000 and invitations had been extended to the Special Rapporteur on torture and the Chairman of the Working Group on Enforced or Involuntary Disappearances, whose visit was expected by the end of 2004.

15. Equally alive to its reporting obligations to the various relevant treaty bodies, his Government had, in 2004, submitted reports to the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child and the Committee against Torture and was finalizing its report on the implementation of the International Covenant on Civil and Political Rights. It was endeavouring to give effect to the comments and recommendations of those treaty bodies.

16. The violence perpetrated by the Maoist movement over the past eight years was making it difficult for Nepal to achieve peace and development and challenging the aspirations of the Nepalese people to build peace and prosperity through constitutional monarchy and multiparty democracy. The Maoists had brutally killed or maimed security personnel and innocent civilians, not even sparing children and the old, and had tried to muzzle the free press through their barbarity and intimidation. Children had been forcibly recruited and the most basic infrastructures essential to the livelihood of the poor had been wantonly destroyed. The Government's efforts to resolve the situation had met only with intransigence. Though duty bound to protect the life and liberty of its people and to safeguard the physical property of the nation through appropriate security measures, the Government remained committed to dialogue and had appealed to the Maoists to end the conflict once and for all. It had constituted a high-powered peace secretariat under the Prime Minister, involving prominent leaders of all the political parties represented in the Government, with a view to embarking on a dialogue for the peaceful resolution of the conflict. The security agencies provided security for people without infringing on their basic rights and had conducted their operations with utmost respect for their human rights. Occasional violations of human rights by security personnel had been investigated, the offenders punished and the victims compensated.

17. Like others, his Government was concerned at the plight of people, including children, in conflict situations and would leave no stone unturned to safeguard their well-being. It was fully committed to protecting and promoting the human rights of its people and to upholding their rights and freedoms while combating terrorist attacks by the Maoists. Cooperation and capacity-building, rather than confrontation and censure, would help ensure respect for human rights in countries facing situations of fragile transition and conflict. His Government stood ready to work with the international community and the Commission on Human Rights to secure universal respect for human rights and to enhance human dignity around the world.

18. **Mr. McIvor** (New Zealand), speaking on agenda item 105 (c), referred to the Secretary-General's opening statement in which he had reminded the General Assembly of the imperative of the rule of law and had cited human rights violations which placed that principle at risk. The political risks for Governments that continued to ignore or violate human rights had become more visible and less easy to ignore.

19. His delegation remained deeply disturbed by the widespread abuse of human rights in a number of countries. In the Sudan, the Government was systematically resorting to murder, torture, rape, looting and the burning of homes and crops to terrorize and forcibly displace civilians in the western province of Darfur. The Government of the Sudan must disarm the Janjaweed, bring the perpetrators of those crimes to justice and comply urgently with the relevant Security Council resolutions. His delegation was also concerned about the human rights situation in northern Uganda.

20. Recognizing that a number of African countries were emerging painfully from years of civil strife during which human rights had been abused constantly, his delegation wished Angola and Mozambique every success. It also looked for recovery in the circumstances of Liberia, Sierra Leone and Somalia and welcomed the recent successful elections in Algeria.

21. Regrettably, in a number of other countries, the denial of human rights appeared to be a matter of State policy. His delegation remained dismayed by the human rights situation in Zimbabwe, where further restrictions were being placed on freedom of speech and assembly while principles such as the rule of law and the independence of the judiciary and the media continued to be eroded. The Central African Republic, Chad, Côte d'Ivoire and Equatorial Guinea were also countries where those in power grossly abused the human rights of their citizens.

22. His delegation was deeply concerned about the ongoing violence in Iraq, which posed a severe threat to the holding of free and fair elections, an essential step in the transition to fully representative government with respect for the rule of law and human rights. The recent presidential elections in Afghanistan had been a milestone in progress towards peace and democracy, but much remained to be done in the lead-up to parliamentary elections in 2005. His delegation deplored the fact that innocent civilians were often the victims of the ongoing violence in Israel and the Occupied Territories and urged both sides to refrain from violence and to observe international human rights law and humanitarian law fully.

23. In a number of other countries in the Middle East, the situation of human rights, including the rights of women and religious and ethnic minorities and the rights of political expression and choice, was also of concern. His delegation urged the Islamic Republic of Iran to engage internationally in a constructive dialogue on human rights, including the status of all religious and ethnic minorities.

24. His delegation remained deeply disturbed by the human rights situation in North Korea. Human rights violations, including unlawful execution, torture and forced labour, were a feature of life in that country and the fundamental freedoms of belief, expression, peaceful assembly and association were denied or restricted. In Myanmar, there were reports of systemic and pervasive human rights violations against women and ethnic and religious minorities, as well as forced labour and poor prison conditions. The continued detention of political prisoners and curbs on freedom of speech, assembly and participation by the opposition parties, particularly as the National Convention had proceeded, fell far below the required standards. His delegation called on the Government to raise the level of its cooperation with international organizations and to observe international human rights norms.

25. While his delegation remained concerned at the continuing restrictions on freedom of expression and religion, the use and scope of the death penalty and reports of arbitrary arrest and detention in China, it commended the commitment of the Chinese Government to strengthen the rule of law. It also urged the Government of Indonesia to hold to account the perpetrators of human rights abuses in Timor-Leste.

26. His delegation continued to be disturbed by reports of human rights abuses and lack of respect for basic human rights and democratic processes in a number of countries in Central Asia. Pressure on religious bodies and discrimination against minorities in Turkmenistan was unacceptable. In the Caucasus, the loss of life through terrorism and civil conflict in Chechnya and Ingushetia was appalling. It was vital, in the fight against terror, to respect the very human rights and values that terrorists were seeking to destroy.

27. Too often, the international community devoted its energies to questioning and defending agreed international norms and the Committee spent too much time on unproductive deliberations. The intention was clear: it was all about avoidance. There were also huge gaps, highlighted in the reports of special rapporteurs, between endorsed standards and the practice of many States.

28. There must be universal ratification of the core human rights treaties, followed by implementation and reporting. States must accept the universality, indivisibility and interdependence of human rights and the principle of non-discrimination. They must also acknowledge that human rights abuses were often a source as well as an outcome of international, regional and civil conflict and had to be confronted squarely. Whether it was universally popular or not, the protection of the human condition must be placed at the centre of the international community's concerns.

29. **Mr. Pak** (Democratic People's Republic of Korea), speaking on a point of order, asked the Chairman to remind the representative of New Zealand that the official name of his country was not "North Korea" but "Democratic People's Republic of Korea" and that he should respect that official name.

30. **Mr. Tierney** (Australia) said that dialogue and cooperation were the best ways to promote human rights, as demonstrated by Australia's constructive exchanges with China, Viet Nam and the Islamic Republic of Iran. Sadly, no region of the world was free from serious human rights violations, of which women, children and minorities were often the first victims. There had been some progress, however, and in that regard his Government welcomed Iraq's efforts to build a modern, representative democracy, based on respect for human rights. While many challenges remained, not least in the area of security, Iraqis had won freedom of speech, association and assembly. New political parties had been formed and women and minorities were engaged in political life. Australia was proud to have played a part in drafting the Transitional Administrative Law, which clearly defined Iraq's human rights obligations, and strongly encouraged the international community to continue to support Iraq's rehabilitation, especially by assisting Iraq to complete arrangements for the elections scheduled for January 2005.

31. On the other hand, his delegation was deeply concerned at the lack of progress towards improving human rights in Myanmar. It supported the efforts of the Special Envoy of the Secretary-General and called on the Government of Myanmar to take concrete actions in that regard, notably by giving priority to broad participation and open debate in the National Convention to draft a new constitution, lifting restrictions on freedom of expression, association and assembly, freeing all political prisoners, including Daw Aung San Suu Kyi, and eliminating forced labour and the use of child soldiers.

32. His delegation was appalled at the systematic campaign of human rights abuses carried out by the Mugabe Government in Zimbabwe, where persecution of opposition leaders and repression of the free press persisted, the Government's policies continued to impoverish the population and proposed legislation threatened to restrict severely the ability of non-governmental organizations to defend human rights. His delegation called on that Government to establish a framework for political reconciliation and economic recovery in order to alleviate the plight of Zimbabweans.

33. His delegation was also deeply concerned at the extent of the humanitarian disaster in Darfur and urged the Sudanese Government to respect its international commitments and take steps to disarm militias and prevent further violence. It was also concerned at the human rights situation in the Democratic People's Republic of Korea and called on its Government to engage fully and openly with the international community.

34. With respect to the Islamic Republic of Iran, his delegation was concerned at reports of executions of minors, violations of due process and suppression of freedom of the press and other freedoms of expression. It urged the Iranian Government to do more to promote and protect the rights of women and to uphold the rights of minorities, including the Baha'i and Jewish communities.

35. His Government welcomed the frank approach taken by China to its bilateral human rights dialogue with Australia. China should press ahead with planned legal and administrative reforms, ratify the International Covenant on Civil and Political Rights and allow its citizens freedom of expression and assembly. Australia remained concerned about the problem of political prisoners, including in Tibet, and the number of executions carried out over the past year, particularly in Xinjian Province.

36. With respect to the situation in the Middle East, his Government urged Israel and the Palestinian Authority to implement the Quartet's road map. It was in favour of the withdrawal from Gaza and parts of the West Bank proposed by the Israeli Prime Minister, provided that it was consistent with the requirements of the road map and thereby gave impetus to the peace process.

37. His delegation welcomed the free, fair and peaceful conduct of Indonesia's parliamentary and first-ever direct presidential elections and believed that, as a solution to the problem of separatism, special autonomy within a united Indonesia should be granted to the provinces of Aceh and Papua. It remained concerned about reports of human rights abuses in those provinces.

38. His delegation welcomed the steps taken to end the conflict in the Democratic Republic of the Congo, but had been horrified by the massacre of more than 150 Congolese refugees in Burundi in August. It urged the Government of the Democratic Republic of the Congo and rebel groups to prevent violence against civilians and to take immediate action to ensure lasting peace and stability.

39. His delegation called on the Government of Uganda to continue its efforts to end the conflict in its territory and urged the Lord's Resistance Army to stop abducting children in northern Uganda to fight its war.

40. Lastly, he reaffirmed his Government's commitment to working constructively with the United Nations and with all Governments to bring about real improvements in human rights for all peoples.

41. **Mr. Gzlal** (Libyan Arab Jamahiriya) said that the creation of the position of United Nations High Commissioner for Human Rights, at the 1993 World Conference on Human Rights, had marked the culmination of Member States' efforts to affirm the principle of equal human rights for all, both men and women.

42. His country was a party to most of the international human rights instruments and on 18 June 2004 had acceded to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. At the national level, his country's Green Paper was the frame of reference for human rights, providing for, inter alia, freedom of movement, the right to work, the right to own property, the right to health and the right to participate in political life.

43. Human rights were violated every day, within full view of the international community. That was the case with the genocide of the Palestinian people and the dozens of women and children killed each day by the Israeli army. In that regard, he deeply regretted the absence of a firm response from the international community and doubted whether the response would have been the same if Israel had not been the aggressor. It was regrettable that religious intolerance was increasing, that diseases such as AIDS and malaria were decimating entire populations, particularly in Africa, that millions of people were displaced within their own countries and that human rights violations spared neither children nor women, who were often reduced to slavery and forced into prostitution.

44. The universality, indivisibility and interdependence of all human rights, including the right to development, had been enshrined in the Vienna Declaration and Programme of Action, but his delegation believed that the international community was not doing enough in that regard. The promotion of human rights was not just about combating torture but also about eliminating poverty and combating disease. It was regrettable that human rights were less a moral concern than a political one and were used as a means of pressure. All States should promote human rights from a neutral standpoint, adopting a strictly humanitarian approach.

45. **Mr. Hannesson** (Iceland) said that Iceland, as a member of the European Economic Area, aligned itself with the statement made by the Netherlands on behalf of the European Union. It was convinced that, over the long term, a commitment to human rights and the rule of law would be one of the keys to success in countering terrorism, as reflected in the Secretary-General's report on the necessity of protecting human rights and fundamental freedoms while countering terrorism (A/59/404), which provided a good overview of United Nations action pursuant to General Assembly resolution 58/187. While welcoming the continuing dialogue between the Office of the United Nations High Commissioner for Human Rights and the Counter-Terrorism Committee, his delegation reiterated its recommendation that the Committee consider the human rights impact of counter-terrorism measures. It welcomed the appointment by the Commission on Human Rights of an independent expert to assist the High Commissioner in fulfilling the mandate provided for in General Assembly resolution 58/187 and looked forward to reading her report to the Commission at its sixty-first session.

46. Lastly, he noted that the increase in religious intolerance was extremely worrying, not least in the context of terrorism, and that the United Nations system had a crucial role to play in reversing that trend. He welcomed the recommendations of the Special Rapporteur of the Commission on Human Rights on freedom of religion or belief (A/59/366) and looked forward to her next report, which would contain a more general assessment of the extent of the phenomenon.

47. **Mr. Konfourou** (Mali), speaking on agenda item 105 (b), said that his Government agreed with the suggestion of the High Commissioner for Human

Rights that it was time to put international law into effect. In each of its successive Constitutions, Mali had embodied its determination to maintain a society respectful of the law, equality and human dignity and had always recognized the right of everyone to work and leisure and the right to strike and form cooperatives, associations or trade unions of their choice.

48. Thanks to the institution in 1991 of democracy and a broad multiparty system, combined with a climate of political and social peace, Mali had strengthened its institutional mechanisms for the protection and promotion of human rights. In addition, it had equivocally reaffirmed the principle of separation of powers while clearly defining the competence of each branch of government. It had established, alongside other traditional institutions dealing with human rights, a National Advisory Commission on Human Rights. It had also appointed an Ombudsman of the Republic, an independent administrative authority who received complaints about actions by government departments, local authorities, public establishments and any other public service organization. Lastly, a National Committee for Equal Access to Government-operated Media had been set up to monitor the balance and plural content of the information provided, bearing in mind the different political, economic, social and cultural sensitivities involved.

49. The most original feature in Mali in terms of the promotion and protection of human rights was unquestionably its Forum for Democratic Challenges, which since 1994 had met annually on 10 December, Human Rights Day, after an invitation via the press to its citizens to communicate their grievances against the Government. A committee then ruled on the admissibility of the correspondence received and transmitted admissible challenges to the ministerial departments concerned. On 10 December, before a jury of citizens, foreigners and representatives of civil society, complainants presented their "challenges" in the presence of the national and international press and members of the Government responded to them. At the end of that process, the jury made recommendations, the implementation of which was scrupulously monitored and assessed before the convening of the next forum. In 2003, Mali had reviewed that mechanism to reflect the people's concerns more closely and the grievances communicated in 2004 were currently being considered.

50. His Government recognized and guaranteed fundamental public freedoms, such as freedom of opinion, religious freedom, freedom of association, assembly and demonstration, freedom of the press and the right to vote. In its view, freedom of expression was essential to the viability of any democracy and it was worth noting that there were 30 privately owned newspapers in the country. Also, by law, suspects had a right to the assistance of counsel from the preliminary investigation phase, in order to guarantee that any person brought before a court had a fair trial.

51. Lastly, Mali had ratified virtually all the international human rights instruments, in keeping with its determination to promote the rights and dignity of the human person. The effective implementation of those instruments, which presupposed the support of the relevant national institutions, also required greater regional and international cooperation in the struggle against human rights violations and Mali was ready to contribute to such cooperation.

52. **Mr. Kulyk** (Ukraine) observed that despite the progress made, the human rights situation in the world was still far from satisfactory, and that redoubled efforts were therefore required, particularly on the part of the United Nations system. At its sixtieth session, the Commission on Human Rights had adopted a number of encouraging resolutions, including thematic resolutions on terrorism and human rights, trafficking in persons, and impunity and had established some new country mandates for the purposes of early warning and preventive action. Such resolutions must not remain a dead letter, however, they must produce tangible results if the Commission's credibility was to be maintained.

53. Impartial investigations into all allegations of human rights violations were essential. The effectiveness of the machinery for the protection of human rights must also be objectively assessed and delegations must ask themselves whether the resolutions of the Commission on Human Rights or the Third Committee had really had an impact on State practice and whether ways could be found of increasing their effectiveness.

54. Ukraine was a party to the core human rights treaties and supported the efforts being made to modernize the existing machinery, especially the

launching of "Action 2" by the Secretary-General the previous week. The appointment of a Special Adviser to the Secretary-General on the Prevention of Genocide was a welcome development and Ukraine for its part would continue to raise public awareness of one of the most terrible acts of genocide in the twentieth century, the Great Famine of 1932-1933 organized by the Soviet regime, which had killed between 7 and 10 million Ukrainians. At the national level, the Ukrainian Constitution guaranteed the right of every citizen to appeal to the courts or to international jurisdictions to protect their rights and freedoms. His Government had recently adopted legislation in the area of human rights, including laws on freedom of movement and free choice of place of residence in Ukraine, on refugees, on immigration and on citizenship. New draft laws on languages, on the concept of ethno-national policy and on the restoration of the rights of persons deported on the basis of nationality were currently being prepared.

55. The Ukrainian authorities, aware that the use of legal and administrative levers was not sufficient to foster harmonious inter-ethnic relations, had been promoting a constructive dialogue with organizations of the different ethnic minorities and religious faiths. A Council of Representatives of National Minority Organizations had been established as an advisory body to the President to promote effective cooperation between the Government, civil society and national minorities. An All-Ukrainian Union of Churches and Religious Organizations had also been created to help resolve disputes.

56. His Government was determined to do its utmost to ensure the promotion and protection of human rights and fundamental freedoms, respect for the rule of law and democratic principles, the creation of conditions for economic growth and the effective functioning of democratic institutions, in keeping with the spirit of the Universal Declaration of Human Rights. The free and transparent election of Ukraine's President the previous day was yet another example of that determination.

57. *Ms. Astanah Banu (Malaysia), Vice-Chairman, took the Chair.*

58. **Mr. Laurin** (Canada), referring to the human rights situation in certain countries, said that although the physical integrity of the person should be a well protected right, that was clearly not the case, judging by the prevalence of torture, arbitrary arrest and detention, extrajudicial killings and enforced disappearances. Arbitrary arrest, detention and torture were all too common, for example, in Turkmenistan, and in Nepal, the Government's response to the ongoing insurgency had resulted in alarming human rights violations. In the Democratic People's Republic of Korea, lack of respect for human rights was endemic; Canada therefore urged that country to accede to the basic international instruments, such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to allow the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea to visit the country.

59. With regard to the exercise of political and democratic rights and freedoms, he said that the reason that human rights abuses were common occurrences was in part because of the very absence of such rights and freedoms, in particular, freedom of expression. Human rights were indivisible and interdependent, where there was no freedom of expression, it was impossible to report and address human rights abuses. In the Islamic Republic of Iran, for instance, since the elections in February 2004, during which over a third of the candidates had been disqualified, there had been a sharp deterioration in the human rights situation. Repression of political dissent, executions, torture and discrimination against women and minorities had continued with impunity and the Iranian authorities had ignored the recommendations of the Working Group against Arbitrary Detention and the Special Rapporteur on the right to freedom of opinion and expression. Zimbabwe had significantly curtailed freedom of speech and association and freedom of the press in total disregard for human rights, and had enacted repressive legislation at odds with its own constitution. China too had imposed severe restrictions on freedom of expression, especially with regard to the rights of minorities and those expressing religious and spiritual beliefs, and measures had been taken to limit the publication and dissemination of information, including over the Internet. Conditions had also deteriorated in Burma, where the National Convention process was seriously flawed; democratic national reconciliation must include the National League for Democracy and the leaders of other opposition and ethnic groups, and Daw Aung San Suu Kyi and other political prisoners must be released and allowed to participate freely in that process.

60. Minorities remained particularly vulnerable to human rights abuses, as did civilians in conflict situations, who were often displaced or became refugees. While responsibility for the protection of such groups remained first and foremost that of the State where they lived, they deserved particular support from the international community. In the Democratic Republic of the Congo, the continued functioning of the Government of transition and its commitment to hold elections in 2005 were encouraging signs; however, the humanitarian crisis and the precarious conditions faced by the civilian populations, especially in the eastern part of the country, were cause for great concern. In Uganda, the Government must urgently improve the security and living conditions of civilians, particularly the more than 1.5 million refugees living in camps in the interior of the country, and must assist in the rehabilitation of children brutalized by the conflict.

61. The escalation of hostilities in the Middle East was worrisome; continuing occupation, the expansion of settlements and the construction of the barrier beyond the Armistice Line were adversely affecting the humanitarian situation and prospects for peace. The Palestinian Authority must prevent attacks against Israeli civilians by dismantling terrorism capabilities and infrastructure without delay. In its efforts to ensure its security, Israel should not resort to disproportionate force and extrajudicial killings and must prevent non-combatant civilian casualties. Lastly, access by humanitarian workers, particularly in the Gaza Strip, should not be hindered.

62. In the Sudan, the dire situation in Darfur had been the subject of much attention. The international community was concerned by the grave violations of human rights and international humanitarian law in the region, including sexual violence against women, war crimes and crimes against humanity. His Government therefore welcomed the Security Council's decision to establish an international commission of inquiry to investigate violations of international humanitarian law and human rights law in Darfur. All parties to the conflict in the Sudan must ensure that protection of human rights was an integral part of any peace settlement.

63. Wherever the violators of human rights benefited from impunity, violations would continue. In order to show their commitment to the protection of human rights, States must prosecute human rights abusers, especially in post-conflict situations. His Government was encouraged by the efforts made by Afghanistan to promote human rights but remained concerned by the continued acts of violence, including violence against women, intimidation and discrimination, and by the ongoing impunity for perpetrators. In Côte d'Ivoire, the abuses perpetrated against civilians by armed militias should motivate the Government to put an end to the activities of those groups and to the climate of impunity. In Iraq, his Government recognized the importance of the reconciliation process and of bringing to justice the members of Saddam Hussein's regime who were suspected of war crimes and atrocities, but urged the Government of Iraq to respect international norms in that process and to put an end to the use of death penalty.

64. He noted that his own country was not beyond accountability in the area of human rights. In 2004 Canada had received a visit from the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people; his Government looked forward to receiving the report of the Special Rapporteur as it continued its efforts to address the challenges facing aboriginal peoples in its territory. His Government would also study the recent report by Amnesty International on discrimination and violence against indigenous women in Canada, which would inform future efforts in that regard. His Government would continue to cooperate constructively with multilateral institutions to promote and protect human rights in accordance with the ideals and objectives of the Universal Declaration of Human Rights.

65. **Mr. Osmane** (Algeria) said that human rights and fundamental freedoms had become increasingly important in international relations; developments in that area had given the cause of human rights pride of place in the United Nations system. The universal nature of those rights did not however mean that they could be implemented in a uniform manner; the specific characteristics of cultures and civilizations could not be neglected or ignored. Cooperation in the area of human rights must occur in the context of an honest and sincere partnership based on reciprocity, consultation and respect for differences, without hegemonism, selectivity or political calculation, with a view to achieving full realization of all human rights.

66. Although there had certainly been welcome progress in the area of civil and political rights and

fundamental freedoms, it had to be recognized that the situation of economic, social and cultural rights seemed to have regressed. Millions of individuals across the world did not fully enjoy such fundamental rights as the right to eat, go to school or have access to drinking water and medical care, because of the extremely precarious situation in which they lived. Realization of the right to development, which was a prerequisite for the realization of economic, social and cultural rights, was therefore essential and his delegation welcomed the positive results achieved by the Working Group on the Right to Development at its fifth session in Geneva in February 2004.

67. His Government, which had just experienced a difficult decade marked by terrorism, was particularly aware of the fact that consolidation of the rule of law must be founded on respect for human rights, and that the promotion and protection of those rights was first and foremost the responsibility of Governments, and had taken a determined and wide-ranging effort to promote democracy and individual rights and freedoms. On 8 April 2004, for example, multiparty, transparent presidential elections, which had met international democratic standards, had been held following a very open electoral campaign described as unique for the region by observers from the Organization for Security and Cooperation in Europe and the European Parliament. Those elections had familiarized Algerians with the political process, free debate and democratic values and had consolidated the irreversible nature of the democratic process in Algeria.

68. The reform of the justice sector, begun two years earlier, remained a major priority for his Government, which had also prioritized respect for individual rights, freedoms and responsibilities in the context of the national human rights plan adopted in 2003. A vigorous multiparty political system and civil society and thriving associations and organizations, along with freedom of expression and freedom of the press, were realities in Algeria, and were accomplishments of which his country was proud, and which it was committed to promoting and defending.

69. His Government had shown its commitment to human rights and fundamental freedoms by acceding in particular to the major relevant international juridical instruments. It had recently acceded to the Convention on the Political Rights of Women (1952) and reform of the Family Code should in time lead to the lifting of the reservations made at the time of ratification of the Convention on the Elimination of All Forms of Discrimination against Women (1979). His Government was also meeting all its treaty obligations, in particular with regard to the submission of periodic reports to the various committees, and intended to continue its cooperation and dialogue with the United Nations treaty bodies. Finally, it had encouraged contacts with non-governmental organizations working in the area of human rights and received the visits of several representatives during the previous four years.

70. In conclusion, he said that the United Nations, which had undertaken a process of far-reaching reform, had a moral duty to ensure that actions to promote human rights as a whole served only to advance the cause of human rights, everywhere, in all circumstances, and without any conditions, rivalry or paternalism.

71. **Mr. Chidyausiku** (Zimbabwe) said that human rights could not be guaranteed in an environment of abject poverty, and the promotion and protection of human rights depended upon the realization of the right to development. Many developing countries which had struggled for their independence, especially in Africa, had since discovered that freedom and independence did not count for much unless they themselves could exploit their natural resources and ensure that their people were guaranteed their right to development. Human rights were indivisible, and Zimbabwe regretted the current, deliberate tendency on the part of some Member States and groups to subordinate one set of rights to another.

72. Discrimination and selective application of human rights standards did not contribute to the promoting and protecting of human rights and raised questions about the political motivations of certain parties. On many occasions the Commission on Human Rights and the Committee had shown proof of partiality, denouncing violations committed in countries that had been singled out by Member States and groups which were in disagreement with them, purportedly to advance the cause of human rights. Such practices created the unfortunate impression that the United Nations was an extension of the foreign policies of certain States or groups. It must be emphasized that no country was without blemish, and that choosing one or another among them for condemnation did not help the cause of human rights, given that the accusers were themselves guilty of violations. In addition, the

promotion and protection of human rights entailed cooperation among sovereign countries, and the condescending approach that some developed countries almost always exhibited towards targeted developing countries had always proved to be counterproductive.

73. While the international community was rightly paying particular attention to combating terrorism and the threats that it posed to human rights, Member States should not use that campaign as a pretext to deny or restrict fundamental human rights. In the past few years, a number of human rights abuses had been perpetrated in the name of counter-terrorism; while every effort must be made to eliminate the scourge of terrorism, States must at the same time ensure that they complied fully with their obligations under international human rights instruments.

74. Zimbabwe's attainment of political independence in 1980 had marked the beginning of a long march towards economic independence and social justice. The land reform programme, which had now been completed, had allowed land that had formerly been mainly owned by a minority to be distributed more equitably, within the framework of Zimbabwe's national laws. The allegations made by the European Union and the United States of America, among others, came as no surprise to those who were familiar with the tactics of the erstwhile colonizers who were more concerned about the privileges of the minority in a land that had been illegally acquired in the first place. For those self-appointed protectors of human rights at the global level, the African majority in Zimbabwe was deemed to be so inferior and incapable of governing itself that the United States Congress had seen fit to pass a law cynically called the "Zimbabwe Democracy and Economic Recovery Act" which sought to punish the Government and people of Zimbabwe for correcting a historical inequity. Perhaps their ultimate goal was to marginalize the black majority in Zimbabwe as black Americans and other minorities had been marginalized in the United States. The Committee must be concerned about the characteristic hypocrisy of the United States Government, which was known around the world for its degrading treatment of prisoners at Abu Ghraib and other prison camps that it operated in Iraq and at Guantánamo Bay, where prisoner abuse was systematic and obviously authorized at the highest echelons of the Government. That same Government, which had blatantly disregarded the Geneva Conventions and other human rights instruments, had the audacity to pontificate before the Committee about respect for human rights. As a country that had shown its complete disregard for freedom of expression through its heavy-handed approach to anti-regime demonstrators, the United States lacked the moral authority to speak about respect for human rights, let alone to masquerade as a torch-bearer on the issue and point the finger at other countries.

75. It was deplorable that the European Union remained silent while the United States committed horrendous human rights violations and claimed that it had the right to decide which prisoners were covered by the Geneva Conventions and which were not. The European Union itself was not above reproach in its treatment of the thousands of persons seeking refuge within its borders, which fell far short of what should be expected of those who saw themselves as exemplary in their observance of human rights. The Committee should not encourage such selectivity.

76. The British Prime Minister had admitted publicly that his Government had been working illegally with the opposition and civil society organizations in Zimbabwe to overthrow of the legitimately elected Government of that country. The United Kingdom, the Netherlands and the United States had embarked upon activities aimed at destabilizing the country, including the sponsorship of anti-government propaganda broadcast by clandestine radio stations. The European Union had joined the United Kingdom in its campaign to internationalize a bilateral dispute with a former colony. The draft resolution on the human rights situation in Zimbabwe that it planned to introduce in the Committee had nothing to do with human rights, and was merely a pretext to push for regime change in the country: it must therefore be rejected in its entirety.

77. Zimbabwe's record in the area of human rights spoke for itself. It had maintained a multiparty system since 1980, and it had an independent judiciary, as demonstrated by the recent acquittal of the leader of the opposition party who had been charged with treason. It had held regular elections which had been deemed free and fair by the international community. Questions about the conduct of elections had arisen only when Zimbabwe had embarked on its land reform programme. As it prepared for the next national elections in March 2005, Zimbabwe had become one of the first countries in the region to align its electoral procedures with the Southern African Development

Community guidelines on the conduct of elections. He stressed that the mandate of the Government of Zimbabwe would be conferred by the people only through free and fair elections. Zimbabwe was a signatory to all the major international human rights instruments, unlike some of its accusers; he called once again for the rejection of the European Union's draft resolution.

78. **Mr. Gallegos Chiriboga** (Ecuador) said that his country had ratified the main human rights instruments and its legislation conformed to the objectives established therein. In that regard, the national plan for human rights, which had been adopted in 1998 by civil society and the State, was perhaps the country's most innovative and far-reaching instrument and would help to promote a genuine culture of tolerance and respect among all ethnic, social and cultural groups in Ecuadorian society. The plan had also enabled Ecuador to comply with the Vienna Declaration and Programme of Action.

79. His Government was particularly concerned about the issue of international migration, which had risen over the past 10 years as a result of the worsening economic situation in developing countries. The mass exodus of people had come up against restrictive, unjust and xenophobic policies in host countries which, instead of trying to find solutions to the problem and its causes, only aggravated the situation. As a consequence of the serious economic crisis of 1999, the after-effects of which were still visible, many Ecuadorian men and women had been forced to leave their country. Migrants sometimes met with a tragic fate, which could leave no one indifferent: thousands of people died each year trying to reach a place that promised better living conditions; migrants found themselves in difficult situations owing to restrictive policies and the hostility of intolerant and xenophobic societies; many of them fell victim to traffickers and hundreds of families were dispersed.

80. Given that the problem was a transnational one, cooperation between countries of origin and host countries was essential. His Government therefore called on all Governments and all sectors of civil society, in particular those of developed host countries, to safeguard the rights of those vulnerable groups, in a non-discriminatory manner that took account of the positive and beneficial contribution made by migrants. He welcomed the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and called on those States that had not yet done so to sign and ratify it. Those States which were currently host countries must not forget that, at one point in their history, huge numbers of their own citizens had fled to, and been welcomed by, Latin American countries.

81. The more than 600 million persons with disabilities in the world constituted a vulnerable group in society and therefore warranted special attention on the part of the international community. The Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities had already held four meetings to examine proposals relating to the Convention. A further three meetings were to be held in 2005 with a view to concluding the Committee's work and meeting its objective of establishing an instrument that protected the rights of persons with disabilities. His delegation called on all Governments, organizations and members of civil society to continue to work together to make the Convention a reality, so that persons with disabilities could be included in society. No society could consider itself truly integrated if it excluded such an important group.

82. **Mr. Tidjani** (Cameroon), after summarizing the objectives of the Universal Declaration of Human Rights and the Vienna Declaration, said that, despite the many actions undertaken by the international community, human rights continued to raise serious concerns, particularly in the context of genocidal conflicts, the rise in religious fundamentalism, the exacerbation of policies of racial, ethnic and social discrimination, and terrorism, which was one of the most deadly scourges of the modern world. The time for global mobilization had come and it was important to work together.

83. His Government reiterated its call of 28 September 2004 for a high-level conference to be held on the subject of terrorism with a view to defining more effective counter-terrorism strategies that also took account of the need to respect international law and States' obligations under international human rights instruments and international humanitarian law. In that regard, he reiterated the proposal made by the President of the Republic of Cameroon at the Millennium Summit to set up, within the United Nations Secretariat, an international observatory on ethics, which would be responsible for promoting

universally recognized human values both between and within nations.

84. Poverty and extreme poverty jeopardized peace and security, while the right to development implied that each person was both an agent for, and a beneficiary of, development. The Vienna Declaration and Programme of Action had highlighted the interdependence between development and respect for human rights; recognizing the interdependence between economic, social, cultural, civil and political rights was essential to sustainable development. The disparities in the distribution and enjoyment of wealth in the modern world hindered the promotion of human rights across the globe; it was important to remedy the inequality caused by globalization. People must be seen as an end, not as a means, and human rights must therefore be promoted through increased solidarity and cooperation at the international level. Respect for the dignity of other people took on its full meaning only when the fundamental needs of those people were met, enabling them to feed, house, clothe, educate and care for themselves.

85. His Government was firmly convinced of the effectiveness of legislative and institutional actions carried out under the auspices of the United Nations and at the regional level with a view to attaining the objectives of the Universal Declaration of Human Rights. His country had acceded to most of the international legal instruments and had chosen to mainstream human rights into secondary and higher education, as well as into training programmes for the armed forces, police and prison authorities.

86. His country remained committed to peace and therefore deplored the suspension of negotiations between Nigeria and Cameroon concerning the implementation of the International Court of Justice (ICJ) judgment of 10 October 2002 on the conflict between the two countries. His Government reiterated its commitment to human rights and the promotion thereof, and urged the international community to use its influence to help Nigeria and Cameroon to fully implement the ICJ judgment in a climate of peace and mutual trust.

87. **Mr. Konfourou** (Mali), speaking in exercise of the right of reply on a point raised at a previous meeting, said that his delegation took note of the consultations between his Government and the European Union on the subject of the death penalty. He wished to inform the Committee that, while the death penalty was part of his country's repressive arsenal, no death sentence had actually been carried out in Mali since 1979. Moreover, the fact that damage to public property was no longer punishable by death under the Penal Code was a considerable step forward. The trend in Mali over the past decade had been not to execute people who had been sentenced to death and, on 24 April 2004, a bill had been passed imposing a two-year moratorium on executions.

The meeting rose at 11.40 a.m.